REMARKS

In the Office Action dated August 11, 2003 the Examiner rejected Applicants' claims 1, 2 and 4 as obvious over the Choi Patent and rejected Applicants' claim 3 as obvious over Choi in view of Park. Applicants request reconsideration of the rejection and allowance of all pending claims based on the following remarks.

Applicants invention is a method of controlling an overload in a digital mobile communications system having a base station transceiver and a base station controller. Threshold values are determined and stored in a database. Utility rates of a control processor resource and a call recourse are monitored and compared to corresponding threshold values to thereby obtain overload grades for each of the control processor resource and the call resource. The overload grades are then compared to each other to select one of the control processor resource or the call resource as the resource to be controlled according to which has the highest overload grade. The system then determines if an overload occurs in the selected resource, and alerts the base station manager accordingly.

Applicants maintain that the Examiner's interpretation of the Choi reference is factually incorrect since the Choi reference fails to disclose or suggest step (d) of claim 1. Specifically the Choi reference at Column 4, lines 15 to 52 discloses independently comparing the utility rates of the control processor resource and the call resource independently to their respective threshold values. Claim 1 calls for an entirely different process wherein each utility rate of the control processor resource and the call resource is compared to its own threshold value to obtain an overload grade. This acts as a normalizing process since the utility of each resource is compared independently with the threshold values for that resource to obtain a grade. See, specification at

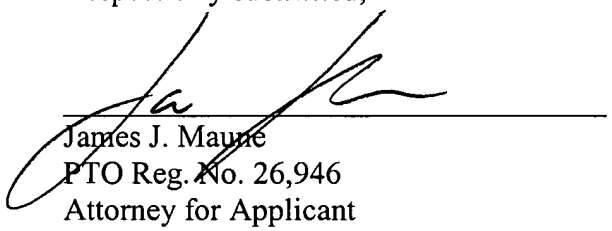
page 4, lines 14 to 20. The overload grades of the resources are then compared to each other to select one of the control processor resource and the call resource as a resource to be controlled. The system thereafter operates on the basis of the utilization of the selected resource.

The Choi reference compares utility rate of each resource to a corresponding set of thresholds, but clearly does not compare the grades thereby obtained to each other in order to select a resource to be controlled. In fact the actual operation of the Choi method, as set forth in Column 4, lines 22 to 52, controls incoming and outgoing calls according to the corresponding overload state of the incoming and outgoing calls. There is no suggestion to control overload according to the overload grade of the control processor resource or to control overload by control of the control processor resource.

Claims 2 to 4 are dependent on Claim 1 and likewise patentable over the Choi and Park references for the same reasons as Claim 1 from which they depend.

In view of the foregoing, early and favorable reconsideration is solicited.

Respectfully submitted,



James J. Maune
PTO Reg. No. 26,946
Attorney for Applicant
(212) 408-2566